



PUBLIC NOTICE

FEDERAL COMMUNICATIONS COMMISSION
445 TWELFTH STREET, S.W.
WASHINGTON, D.C. 20554

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DA 13-269

Released: February 22, 2013

**AT&T INC. AND CELLULAR SOUTH, INC. SEEK FCC CONSENT TO THE
ASSIGNMENT OF CELLULAR, PERSONAL COMMUNICATIONS SERVICES,
LOWER 700 MHZ C BLOCK, AND MICROWAVE LICENSES COVERING PARTS
OF ALABAMA, GEORGIA, AND TENNESSEE**

ULS File Nos. 0005597386 and 0005597395

PLEADING CYCLE ESTABLISHED

Petitions To Deny Due: March 8, 2013
Oppositions Due: March 18, 2013
Replies Due: March 25, 2013

I. INTRODUCTION

AT&T Inc. (“AT&T”) and Cellular South, Inc. (“Cellular South” and together with AT&T, the “Applicants”) have filed applications pursuant to Section 310(d) of the Communications Act of 1934, as amended,¹ seeking to assign one cellular license, eight Personal Communications Services (“PCS”) licenses, 14 Lower 700 MHz C Block licenses, and nine common carrier fixed point-to-point microwave licenses from two wholly-owned subsidiaries of Cellular South, Corr Wireless Communications, L.L.C. (“Corr Wireless”) and Cellular South Licenses, LLC (“CS Licenses”), to an indirect, wholly-owned subsidiary of AT&T.² The subject licenses encompass parts of Alabama, Georgia, and Tennessee. The Applicants state that the additional spectrum will enable AT&T to increase its system capacity, particularly for Long Term Evolution services, to help meet the ever-growing demand for high-quality broadband wireless services in the areas covered by the licenses that are the subject of this proposed transaction.³

The proposed transaction involves the assignment of 25 megahertz of cellular B Block spectrum in three counties in one Cellular Market Area (“CMA”), 10 to 15 megahertz of PCS spectrum in 25

¹ 47 U.S.C. § 310(d).

² The licenses held by Corr Wireless and CS Licenses would be assigned, just prior to closing, to CW Acquisitions, LLC (“CW Acquisitions”), which currently is an indirect, wholly-owned subsidiary of Corr Wireless. At closing, ownership of CW Acquisitions will be transferred to AT&T.

³ The Applicants also filed an application for consent to the assignment of an international section 214 authorization, ITC-214-20070730-00300, from Corr Wireless to CW Acquisitions, File No. ITC-ASG-20130122-00013. This application has already been granted. See International Authorizations Granted; Section 214 Applications (47 C.F.R. § 6318); Section 310(b)(4) Requests, *Public Notice*, Rpt. No. TEL-01604, DA No. 13-246 (rel. Feb. 21, 2013).

counties in 13 CMAS, and 12 megahertz of Lower 700 MHz C Block spectrum in 58 counties in 14 CMAs. Accounting for geographical overlap of the spectrum at issue, AT&T would be assigned 10 to 52 megahertz of spectrum in total in 17 CMAs covering parts of Alabama, Georgia and Tennessee. In addition, Cellular South would transfer approximately 21,000 customers currently served by the Corr Wireless facilities to AT&T.

II. SECTION 310(d) APPLICATIONS

The applications for assignment of licenses from Cellular South to AT&T have been assigned the following file numbers:

<u>File No.</u>	<u>Licensee/Assignor</u>	<u>Assignee</u>	<u>Lead Call Sign</u>
0005597386	Corr Wireless Communications, L.L.C.	CW Acquisitions, LLC	KNLN904
0005597395	Cellular South Licenses, LLC	CW Acquisitions, LLC	KNLG237

III. EX PARTE STATUS OF THIS PROCEEDING

Pursuant to section 1.1200(a) of the Commission's rules,⁴ the Commission may adopt modified or more stringent *ex parte* procedures in particular proceedings if the public interest so requires. We announce that this proceeding will be governed by permit-but-disclose *ex parte* procedures that are applicable to non-restricted proceedings under section 1.1206 of the Commission's rules.⁵

Parties making oral *ex parte* presentations are directed to the Commission's *ex parte* rules. Parties are reminded that memoranda summarizing the presentation must contain the presentation's substance and not merely list the subjects discussed.⁶ More than a one- or two-sentence description of the views and arguments presented is generally required.⁷ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.⁸

IV. GENERAL INFORMATION

The assignment applications have been found, upon initial review, to be acceptable for filing. The Commission reserves the right to return any application if, upon further examination, it is determined to be defective and not in conformance with the Commission's rules or policies.

Interested parties must file petitions to deny no later than **March 8, 2013**. Persons and entities that file petitions to deny become parties to the proceeding. They may participate fully in the proceeding, including seeking access to any confidential information that may be filed under a protective order, seeking reconsideration of decisions, and filing appeals of a final decision to the courts. Oppositions to such pleadings must be filed no later than **March 18, 2013**. Replies to such pleadings must be filed no later than **March 25, 2013**. All filings concerning matters referenced in this Public Notice should refer to ULS File Nos. 0005597386 and/or 0005597395, as appropriate.

⁴ 47 C.F.R. § 1.1200(a).

⁵ 47 C.F.R. § 1.1206.

⁶ See 47 C.F.R. § 1.1206(b)(1).

⁷ See *id.*

⁸ 47 C.F.R. § 1.1206(b).

To allow the Commission to consider fully all substantive issues regarding the applications in as timely and efficient a manner as possible, petitioners and commenters should raise all issues in their initial filings. New issues may not be raised in responses or replies.⁹ A party or interested person seeking to raise a new issue after the pleading cycle has closed must show good cause why it was not possible for it to have raised the issue previously. Submissions after the pleading cycle has closed that seek to raise new issues based on new facts or newly discovered facts should be filed within 15 days after such facts are discovered. Absent such a showing of good cause, any issues not timely raised may be disregarded by the Commission.

Under the Commission's current procedures for the submission of filings and other documents,¹⁰ submissions in this matter may be filed electronically through the Commission's Universal Licensing System ("ULS") or by hand delivery to the Commission.

- **If filed by ULS**, pleadings may be filed via <https://wireless2.fcc.gov/UlsEntry/pleadings/pleadingsType.jsp>.
- **If filed by paper**, the original and four copies of each filing must be filed by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail. All hand-delivered or messenger-delivered paper filings for the Commission's Secretary must be delivered to FCC Headquarters at 445 12th St., SW, Room TW-A325, Washington, D.C. 20554. The filing hours at this location are 8:00 a.m. to 7:00 p.m. All hand deliveries must be held together with rubber bands or fasteners. Any envelopes must be disposed of before entering the building. Commercial overnight mail (other than U.S. Postal Service Express Mail and Priority Mail) must be sent to 9300 East Hampton Drive, Capitol Heights, MD 20743. U.S. Postal Service first-class, Express, and Priority mail should be addressed to 445 12th Street, S.W., Washington, D.C. 20554. All filings must be addressed to the Commission's Secretary, Office of the Secretary, Federal Communications Commission.

One copy of each pleading must be delivered electronically, by e-mail or facsimile, or if delivered as paper copy, by hand or messenger delivery, by commercial overnight courier, or by first-class or overnight U.S. Postal Service mail (according to the procedures set forth above for paper filings), to: (1) the Commission's duplicating contractor, Best Copy and Printing, Inc., at FCC@BCPIWEB.COM or (202) 488-5563 (facsimile); (2) Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at kathy.harris@fcc.gov or (202) 418-7447 (facsimile); (3) Linda Ray, Broadband Division, Wireless Telecommunications Bureau, at linda.ray@fcc.gov or (202) 418-7247 (facsimile); (4) Kate Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at catherine.mataves@fcc.gov or (202) 418-7447 (facsimile); and (5) Jim Bird, Office of General Counsel, at TransactionTeam@fcc.gov or (202) 418-1234 (facsimile).

Copies of the applications and any subsequently-filed documents in this matter may be obtained from Best Copy and Printing, Inc. in person at 445 12th Street, S.W., Room CY-B402, Washington, D.C. 20554, via telephone at (202) 488-5300, via facsimile at (202) 488-5563, or via email at FCC@BCPIWEB.COM. The applications and any associated documents are also available for public inspection and copying during normal reference room hours at the following Commission office: FCC Reference Information Center, 445 12th Street, S.W., Room CY-A257, Washington, D.C. 20554. The applications are also available electronically through ULS, which may be accessed on the Commission's Internet website. To request materials in accessible formats for people with disabilities (Braille, large

⁹ See 47 C.F.R. § 1.45(c).

¹⁰ See FCC Announces Change in Filing Location for Paper Documents, *Public Notice*, 24 FCC Rcd 14312 (2009).

print, electronic files, audio format), send an email to fcc504@fcc.gov or call the Consumer and Governmental Affairs Bureau at (202) 418-0530 (voice) or (202) 418-0432 (TTY). Contact the FCC to request reasonable accommodations for filing comments (accessible format documents, sign language interpreters, CART, etc.) by email: FCC504@fcc.gov; phone: (202) 418-0530 or TTY: (202) 418-0432.

For further information, contact Kathy Harris, Mobility Division, Wireless Telecommunications Bureau, at (202) 418-0609, or Kate Mataves, Spectrum and Competition Policy Division, Wireless Telecommunications Bureau, at (202) 391-6272.

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